

REMARKS

The amendment does not involve new matter. Claim 24 has been amended in a non-narrowing manner to include a positive method step. Claim 25 have been amended using information on pages 11 and 12 of the specification and former claim 36, and now also recites a positive method step. These amendments overcome the rejection under 35 U.S.C. § 112, second paragraph, in paragraph 4 of the outstanding Office Action. The amendment to claim 36 and new claims 44 and 45 are also supported by pages 11 and 12 of the specification.

In the outstanding Office Action, claims 24-25 and 28-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent No. 5,380,530 (Hill). This rejection is respectfully traversed. Claim 24 calls for a method of producing a chewing gum product containing an antimicrobial agent wherein a rolling compound is applied to the chewing gum product and the antimicrobial agent is a part of the rolling compound applied on the chewing gum product. A rolling compound serves to reduce sticking of the chewing gum product to machinery as it is formed and as it is wrapped, and sticking of the product to its wrapper after it is wrapped and is being stored.

Hill discloses an oral care composition in the form of a chewing gum with a plaque disrupting emulsion on it. The emulsion contains a surfactant and polydimethyl siloxane. The emulsion may contain an antimicrobial agent. The Office Action takes the position that it would have been obvious to use a rolling compound as the Hill coating, because rolling compounds are conventionally applied to chewing gum sticks. However, the coating of Hill is an emulsion coating, and contains polydimethyl siloxane, which is used to disrupt plaque formation. Polydimethyl siloxane is a very slippery material, and must be melt emulsified with the surfactant. See col. 20, lines 61-65. The emulsion is then applied to chewing gum in slab or sheet form from a heated, melted state. See col. 21, lines 12-16 and col. 22. Thus, the coating of Hill could not be applied as a rolling compound. The coating methods disclosed in Hill all involve application of a melted emulsion. Since the material of Hill must contain polydimethyl siloxane, and be applied from a melted state, it does not meet the limitation of claim 24,

calling for a rolling compound containing an antimicrobial agent. Claim 24, and claims 28-35 dependent thereon are not obvious in view of Hill.

Claim 25 calls for a method of producing a chewing gum product containing an antimicrobial agent wherein a coating solution containing at least one material selected from the group consisting of sugars and polyol sweeteners is applied to a chewing gum pellet using a panning operation to build up a coating on the pellet, and the antimicrobial agent is a part of the coating on the chewing gum pellet. As noted above, the coating of Hill must be applied as a melt emulsion in a molten state. There is no suggestion in Hill to apply an antimicrobial agent to chewing gum other than as part of the emulsion coating that also contains polydimethyl siloxane. The emulsion coating process of Hill does not utilize a panning operation and a coating solution as required by claim 25, nor would it have been obvious to modify the process of Hill to apply the polydimethyl siloxane emulsion as part of a panning operation. Panning operations involve tumbling cores. If polydimethyl siloxane were applied to the cores, it would make them very slippery, and they would not tumble. Thus claim 25, and claims 36-45 dependent thereon, are patentable over Hill.

Since each of the reasons for the rejections have been overcome, it is believed that the case is in condition for allowance. An early notice of allowance is therefore respectfully requested.

Respectfully submitted,

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